Riparian Buffer Zone within Environmental Open Space

76. A Riparian Buffer Zone (RBZ) generally a minimum of 50 metres between any development and each high bank of the Tweed River must be provided to Council's satisfaction. Minor exceptions to the 50m RBZ requirement may be permitted for the main entry road and bridges into the development. The footprint of all proposed buildings must be outside of this 50-metre buffer. The 50-metre Riparian buffer will comprise a 30 metre core buffer of dense local native vegetation, rehabilitated or replanted as necessary, and ranging from the surveyed top of bank to a line 30 metres from the high bank perpendicular to the river; and a 20 metre outer buffer of planted native vegetation of lesser density which has some limited potential for compatible or existing land uses, such as parkland and other recreational uses. The Community Management Statement is to make appropriate provision for maintenance of the RBZ.

77. Tourism, special uses and market garden uses are not permitted within the Riparian Buffer Zone.

78. Prior to the commencement of any works a highly visible and durable traffic barrier must be erected parallel with the surveyed top of river bank and located at the eastern extent of the dripline of riparian vegetation for the full length of the development site. No machinery must enter beyond the traffic barrier and no stockpiling or storage of materials, plant or equipment must occur within this zone, or in any case within 20 metres of the river top of bank. The traffic barrier is to remain at all times during earthworks and construction activities but may be removed between development stages.

Agricultural Buffer

79. An agricultural buffer in accordance with Tweed Development Control Plan Section A5 Subdivision Manual must be provided between the Village site and adjoining lands. All buffers are to be located within either the Village site (currently Lot 121 DP134446) or Lot 4 DP 737440. An Agricultural Buffer Management Plan is to be prepared and to be submitted to Council for approval by the Council or delegate prior to the issue of a construction certificate for Stage 1 and is to include at a minimum composition, maintenance and management of the said buffer. The Agricultural Buffer Management Plan is to incorporate the principles set out in the NSW Department of Primary Industries, publication titled "Living and Working in Rural Areas - A handbook for managing land use conflict issues on the NSW North Coast" The Agricultural Buffer Management Plan is to be cognisant of bush fire management issues and is to be consistent with the specifications of the development's Asset Protection Zone Management Plan.

Asset Protection Zones

80. Asset protection zones must be provided in accordance with the Planning for Bushfire Protection Guidelines 2006 and Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual. An Asset Protection Zone Management Plan is to be prepared and is to be submitted to Council for approval by the Council or delegate, prior to the issue of a construction certificate for Stage 1, and is to include details concerning the locations, dimensions, forms, maintenance and management of the Asset Protection Zones. The Asset Protection Zones are to be in accordance with Planning for Bushfire Protection Guidelines 2006. The Asset Protection Zone Management Plan is to be cognisant of threatened species management issues and be consistent with the specifications of the approved Threatened and Significant Protected Species Management Plan. All asset protection zones are to be located within either the Village site (currently Lot 121 DP134446) or Lot 4 DP 737440.

Threatened and Significant Protected Species Management Plan

81. A Threatened and Significant Protected Species Management Plan (TSPSMP) must be prepared and submitted to Council for approval prior to the issue of a construction certificate for Stage 1. The TSPSMP must consider both construction and operational phase avoidance and mitigation measures and must include as a minimum:

    (a) Measures to conserve Koalas (Phascolarctus cinereus) and their habitat including details of Koala usage of Lot 121 DP 134446 and Lot 4 DP 737440 and measures to be undertaken to avoid or mitigate impacts from known threats to Koalas arising from urban development being road strike, loss and degradation of habitat, dog attack and drowning. The Management Plan is to include a plan identifying the location of the primary koala food trees.

    (b) Measures to conserve Green-leaved Rose Walnut (*Endiandra muelleri subsp. bracteata*) and their habitat, including measures to

be undertaken to avoid or mitigate impacts from known threats to Green-leaved Rose Walnut arising from urban development being clearing and fragmentation of habitat for development and road-works, infestation of habitat by weeds, frequent fire and trampling by visitors. The Management Plan is to include a plan identifying the location of the Green-leaved Rose Walnut.

(c) Measures to conserve any further threatened species and their habitats that may be located during development of Lot 121 DP 134446 and Lot 4 DP 737440.

(d) Measures to conserve Platypus (Ornithorhynchus anatinus) and their habitat including measures to be undertaken to avoid or mitigate impacts from known threats to Platypus arising from urban development including loss or damage to river banks and burrows and pollution, algal growths and siltation of waterways.

(e) Measures to assess the possible occurrence of the Giant Barred Frog and their habitat including measures to be undertaken to avoid or mitigate impacts from known threats to the Giant Barred Frog arising from urban development including loss or damage to river banks and burrows and pollution, algal growths and siltation of waterways.

Environmental Open Space Management Plan

82. The Developer must lodge with the Council for approval prior to the issue of a construction certificate for stage 1 an Environmental Open Space Management Plan (EOSMP) for all areas of Environmental Open Space as indicated on the Village Plan. The EOSMP must not conflict with any provisions of the TSSMP, Asset Protection Zone Management Plan or Agricultural Buffer Management Plan and must separately address the treatment, function, maintenance and management of the following:

a. the Tweed River Riparian Buffer Zone;

b. the northern environmental open space containing the Green-leaved Rose Walnuts;

c. Primary Koala Food Trees, and

d. Fig trees and other significant native trees within Environmental Open Space. The EOSMP must provide for improved biodiversity outcomes and contain the following as a minimum:

- aims and objectives;
- sufficient background information and site assessment to justify the proposed works,
- description of specific ecological restoration and management actions including the timeframe required to meet each particular outcome;

- details of ongoing monitoring and reporting requirements including measurable outcomes;

- contingency planning options in the case of system failure or natural events which hinder progression; and

- means of ensuring rehabilitation for a minimum five-year period and ongoing management by the Community Association in perpetuity.

83. Development must be undertaken in accordance with the requirements of the following approved management plans-
    - Threatened and Significant Protected Species Management Plan
    - Environmental Open Space Management Plan
    - Asset Protection Zone Management Plan
    - Agricultural Buffer Management Plan
    - Catchment Management Plan

Effluent Irrigation Scheme Buffer

84. Effluent irrigation areas and irrigation infrastructure must be separated by appropriate buffer zones from neighbours, residential areas and sensitive environments to ensure the protection of the locality's amenity, ground and surface waters and other environmental and social values. The effluent irrigation areas and infrastructure buffers must be provided in accordance with the requirements of the *Environmental Guidelines: Use of Effluent by Irrigation* prepared by the Department of Environment and Conservation (NSW) 2004 (now the Department of Environment and Climate Change), the Australian *Guidelines for Water Recycling* by the Natural Resource Management Ministerial Council, Environment Protection and Heritage Council and the National Health and Medical Research Council and other relevant accepted standards.

Other approvals / Requirements

85. A permit under ss198-202 of the Fisheries Management Act 1994 for dredge and reclamation activities must be obtained prior to commencement of any such works.

86. No approval is granted for the removal of any Primary Koala food trees, being Forest Red Gum (*Eucalyptus tereticornis*), Tallowwood (*Eucalyptus microcorys*) and Small-fruited Grey Gum (*Eucalyptus propinqua*). The location of these trees are to be identified, marked and mapped on site prior to commencement of construction for each stage. These trees must be protected throughout the development site during construction works and operational phases of the development.

87. Water and sewer pipelines, dams, STP, water treatment facilities and effluent irrigation areas outside the Village Plan (Diagram 2) area must be located so to avoid removal of native vegetation to the greatest extent possible.

88. Prior to the granting of consent to any further stage relating to development of the sewerage and water supply infrastructure including gravity feed trenches between the STP and the irrigation areas as identified on the Concept Plan (Diagram 1) and any surface water impoundment (dam), an ecological survey of these areas must be carried out to determine the ecological significance of these areas and to ensure areas of ecological significance are not adversely affected.

89. Conduits and access pits for optic fibre cable are to be installed within the public road reserves.

90. The Developer must ensure that legal tenure and/or arrangements suitable to the Council are in place in the event that any services or Community Association Infrastructure are required to be located in or on any of the Public Roads dedicated to TSC.

Landscaping

91. A detailed landscape plan must be formulated for each Stage and must be submitted with the Development Application for each Stage and approved by Council or delegate prior to issue of consent for that stage. The plan must be prepared by a landscape architect or landscape consultant to a standard acceptable to Council or delegate. The plan must provide use of 100% native species and prohibit use of species that are known environmental weeds (including all vines and creepers) and must include the following documentation:

    a) A site plan (at 1:100 to 1:1000 scale) showing the existing features, including north point, access road and an outline of proposed buildings indicating doors and windows. Any trees to remain in the vicinity are to be located to scale and identified by botanical and common names.

    b) Proposed and existing site services, including water, gas, electricity, sewer, stormwater, etc.

    c) Easements on or adjacent to the site.

    d) View lines to and from the development and details of pedestrian access and circulation areas within and around the development, including retaining walls, seating, fences, gates, decorative features etc.

    e) Additional survey plan showing the location, canopy spread, trunk diameter, height and names of those existing tree/s and significant tree/s adjacent to the site likely to be affected by the development. The plan must also include the existing ground levels at the base of the trunk of the tree/s as well as at the drip lines of the tree/s.

    f) Existing and proposed ground levels (shown as spot heights and/or contours over the site and direction and degree of slope) indicating the site boundaries, and the base of the trees proposed to be planted or that are to be retained (if applicable).

g) Sectional elevations through the site showing the existing and proposed ground lines, building elevations and proposed plantings.

h) Construction details of planter boxes (including width and depth), paving, edging, fencing, screening, panels and other hard landscape components. Deep root zones must be provided for large trees and paving is to be porous. Paving works within 2m of the trunk of the large trees must be constructed in such a way as to ensure the existing moisture infiltration and gaseous exchange to the tree root system is maintained. Where soil is compacted within two (2) metres of the trunk of large trees, site remediation by aeration (no deep ripping permitted) and mulching is to be undertaken to ensure the viability of the tree.

i) Planting details for the preparation and planting of tube and potted plants, super-advanced plants, bare-rooted stock and any other planting.

j) A detailed plant schedule and plan at a scale of 1:100 to 1:1000 indicating the location of all proposed planting and any existing vegetation to be retained on and adjacent to the site. The plan is to include a detailed plant schedule which must include;
- species listed by botanical and common names, with the majority of plants constituting local native species;
- specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking methods, if applicable.
- maintenance methods including the use of drip irrigation and mulching or groundcovers to reduce bare soils areas and including a maintenance schedule for a minimum period of five years after completion of landscaping on site.

Easements and Restrictions

92. In addition to the Easements and Restrictions which may be necessary or required elsewhere in these conditions of consent, and without limitation the creation of easements for services, access rights of carriageway and restrictions as to user will be necessary under Section 88B of the Conveyancing Act.

93. As a minimum the following easements for services, rights of carriageway and restrictions as to user under Section 88B of the Conveyancing Act are to be created to Council's satisfaction:

(a) Easements for drainage over ALL public services and Infrastructure on private property. Burden: Various. Benefit: TSC.

(b) A Restriction as to user prohibiting the construction of slab on ground dwellings in those areas that exceed a slope of 20% or more as nominated on sketch 103A – "slope analysis" prepared by Cardno. Burden: Relevant Titles. Benefit: TSC.

(c) A Restriction as to user requiring access arrangements on the allotments nominated on sketches 135A, 136A, 137A, 138A, 141A, 142A, 143A, 144A, 146A, 147A, 148A, 149A, 150A, 152A and 153A to be in accordance with the access detail shown on sketches 100A and 101A prepared by Cardno. Burden: Relevant Titles. Benefit: [Clarify].

(d) A Restriction as to user requiring that the land designated "Tourism & Special Uses" in the south western corner of the development on Concept Plan must not contain any permanent or temporary accommodation. Land uses in this area must be flood compatible, and not create any significant adverse impacts on surrounding land or local flood behaviour. Burden: Relevant Titles. Benefit: TSC.

(e) Easement for fire egress. Burden: Proposed Lot 12. Benefit: Community Land

(f) Easement for private services (water, sewage, power and telecommunication) under the roads. Burden: Community Land Benefit: Each service provider

(g) Easements for access and construction, Burden: Proposed Lot 12 and Community Land. Benefit: Community Land and TSC

(h) Easement for trickle feed reticulation system - for the treated water from the STP and water impoundment area. Burden: Proposed Lot 12. Benefit: Community Land and TSC.

(i) Restriction as to user - land in water catchment area must remain in natural undeveloped state. Burden: Proposed Lot 12. Benefit: Community Land and TSC.

(j) Restriction as to user regarding density of village use and a restriction to a maximum of 1000 persons being present at any time Burden: Community Land. Benefit: TSC.

(k) Restriction as to user regarding no dogs, cats, rabbits, ferrets or hard hoofed animals. Burden: Community Land. Benefit: TSC

(l) Easements for access to construct, operate and maintain Sewer Treatment Plant and Water Treatment Plant etc. including the erection and maintenance of all plant and equipment forming part of the Infrastructure Burden: Proposed Lot 12. Benefit: Community Land and TSC.

(m) Easement for access and covenant to maintain asset protection zone. Burden: Proposed Lot 12. Benefit: Community Land and TSC.

(n) Restriction as to user regarding environmental open space buffer - minimum of 50 metre buffer to be maintained between development

and each high bank of the Tweed River. Burden: Community Land. Benefit: TSC

(o) Easement for pipes to and from the Sewerage Treatment Plant and Water Supply Systems to the village Burden: Proposed Lot 12, Infrastructure Land and Community Land. Benefit: Community Land.

(p) Easement for electricity to and from the Sewerage Treatment Plant and Water Supply Systems to the Community Land. Burden: Proposed Lot 12, Infrastructure Land and Community Land. Benefit: Community Land.

(q) Easement for emergency egress from the development site. Burden: Proposed Lot 12 and Infrastructure Land. Benefit: Community Land

(r) Right of carriageway - specifically the right to use and maintain all existing and future access roads. Burden: Proposed Lot 12. Benefit: Community Land.

(s) Easement for storage of treated water - allowing the storage tank to remain on the land. Burden: Proposed Lot 12. Benefit: Community Land and TSC.

(t) Easement for pipes to the effluent irrigation areas - being the pipe network running from the compound to the 4 holding and irrigation areas. Burden: Proposed Lot 12. Benefit: Community Land and TSC.

(u) Right of access to and use make up water from dams - short term right for operational needs for so long as required for purposes of topping up treated water system so that it is operational. Burden: Proposed Lot 12. Benefit: Community Land.

(v) Right for fencing - in and around the water courses and Sewerage Treatment Plant and Water Treatment Plant compound and irrigation areas. Burden: Proposed Lot 12. Benefit: Community Land.

(w) Restriction as to user – establishing buffer zones around all effluent irrigation areas and irrigation infrastructure so that they are separated from neighbours, residential areas and sensitive environments. Burden: Proposed Lot 12 Benefit: TSC

(x) Restriction as to user around Protected Archaeological Areas as identified on the Village Plan and Aboriginal Heritage Display and an obligation to fence and protect the protected Archaeological Areas and exhibits Burden: Community Land Benefit: TSC

94. Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement must make provision for maintenance of the right of carriageway/easement by the

owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

95. Any Section 88B Instrument creating Restrictions as to user, Rights of carriageway or Easements which benefit TSC must contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of TSC.

96. Community Association Infrastructure on the Community Land may be subject to the creation of statutory restrictions, easements etc in accordance with the Community Land Development Act, Strata Titles Act, Conveyancing Act, or other applicable legislation.

Community Management Statement

97. Without limitation and in addition to anything required to be in the CMS elsewhere in these conditions of consent, the CMS must provide for the matters set out in condition 98 at a minimum.

98. The following items must be included in the Community Management Statement (CMS) and may in part be also included in other conditions of this consent:

    (a) The use of recycled water a requirement for each individual occupancy to have a separate tank for water usage and the adoption by the Community Association for the usage and operation of the potable and non-potable water supply systems.

    (b) The fresh water supply for the Village is to be sourced from rainwater and a surface water impoundment area of not less than 10 hectares providing a minimum storage volume of 60 ML and subject to the controls and restrictions set out in these conditions of consent. The establishment and management of this catchment area is to be subject to a Catchment Management Plan which is to be adopted by the Community Association.

    (c) The Community Association must ensure disclosure of all known or potential levies at all times to all members of the Association and the CMS must indicate that all members of the Association must make full disclosure of all known and potentially advised levies to proposed purchasers of any property within the Village.

    (d) The Aboriginal Heritage Display contemplated by Conditions 72 and 73 shall be maintained and operated by the Community Association in consultation with the Tweed Byron Local Aboriginal Land Council at the expense of the Community Association.

    (e) The Community Association must acknowledge its responsibility to adopt and implement at its own expense and thereafter comply with and manage the following:

        (i) Emergency Response Plan;
        (ii) Catchment Management Plan;

(iii) Agricultural Buffer Management Plan;
(iv) Environmental Open Space Management Plan
(v) Asset Protection Zone Management Plan;
(vi) Threatened and Significant Protected Species Management Plan;
(vii) Effluent Irrigation Management Plan;
(viii) Aboriginal Cultural Heritage Assessment and Management Plan;
(ix) Traffic Control Plan;
(x) Landscape Plan;
(xi) Stormwater Management Plan;
(xii) Water Supply Management Plan

Public Authority By-Laws to be created

99. The CMS must provide for Public Authority By-Laws be created addressing the matters set out in condition 100 as a minimum.

100. The following are the minimum required Public Authority By-laws to be drafted and adopted within the CMS.

(a) Acknowledgment that the terms of the Community Management Statement are binding on all members of the Community Association and may not be varied or altered either by variation to their own terms of or by the entry into any contract or obligation without the prior consent of TSC.

(b) Acknowledgement by all members of the Community Association that the terms and conditions of all easements for services, rights of carriageway and restrictions as to user having any involvement with the Community Association Infrastructure and whether sited on the Community Land or elsewhere shall not be varied, altered or in any way amended either directly or by the entry into any contract or obligation having that same effect without the prior consent of TSC.

(c) Acknowledgement that the owners and occupiers of the village and the Community Association have no right or entitlement to access or use of any TSC water, sewerage or drainage services and that they are entirely self-sufficient in this respect.

(d) Acknowledgement that the owners and occupiers of all Village Lots and the Community Association that the Community Association must acknowledge its responsibility to adopt and implement at its own expense and thereafter comply with and manage the following:
(i) Emergency Response Plan;
(ii) Catchment Management Plan;
(iii) Agricultural Buffer Management Plan;
(iv) Environmental Open Space Management Plan;
(v) Asset Protection Zone Management Plan;
(vi) Threatened and Significant Protected Species Management Plan ;
(vii) Effluent Irrigation Management Plan;

(viii) Aboriginal Cultural Heritage Assessment and Management Plan;
(ix) Traffic Control Plan;
(x) Landscape Plan;
(xi) Stormwater Management Plan;
(xii) Water Supply Management Plan

## PART B – STAGE 1 DEVELOPMENT APPROVAL

General

101. Stage 1 development consisting of a six lot subdivision, carpark (69 cars and 3 bus bays), road bridge and public road works is to be undertaken in accordance with the following plans except where varied by the conditions of this consent:
    (a) Subdivision Drawing Number 16387 B Rev.C prepared by B&P Surveys dated 16-10-07.

    (b) Road Works Stage 1 Layout Plan Sketch 101 prepared by Cardno and Sketch No.s.100A, 103A, 104A, 110A, 111A, 113A, 114A, 130A, 131A, 132A, 133A, 134A, 135A, 136A, 139A, 140A and 142A prepared by Cardno.

    (c) Aboriginal Cultural Heritage Assessment and Management Plan January 2009 prepared by Mary Dallas Consulting Archaeologists, and conditions 65 and 66 above.

    [GEN0005]

102. The use of crushing plant machinery, mechanical screening or mechanical blending of materials is not authorised by this consent and requires a separate development application.

    [GEN0045]

103. The Stage 1 subdivision is to be carried out in accordance with Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual and Councils adopted Development Design and Construction Specifications.

    [GEN0125]

104. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within or adjacent to the subject property are to be protected and modified if necessary.

105. The deck level of the bridge over the Tweed River must be at or above the 100 year ARI flood level, or the level of Kyogle Road adjacent to the development, whichever is the lesser.

106. The Developer must obtain the written approval of Council for any proposed road/street names and these must be shown on the Plan of Subdivision accompanying the application for a Subdivision Certificate.

    Application for road naming must be made on Council's Property Service Form and be accompanied by the prescribed fees as tabled in Council's current Revenue Policy - "Fees and Charges".

The application must also be supported by sufficient detail to demonstrate compliance with Councils Road Naming Policy.

Riparian Buffer Zone within Environmental Open Space

107. A Riparian Buffer Zone (RBZ) generally a minimum of 50 metres between any development and each high bank of the Tweed River must be provided to Council's satisfaction. Minor exceptions to the 50m RBZ requirement may be permitted for the main entry road and bridges into the development. The footprint of all proposed buildings must be outside of this 50-metre buffer. The 50-metre Riparian buffer will comprise a 30 metre core buffer of dense local native vegetation, rehabilitated or replanted as necessary, and ranging from the surveyed top of bank to a line 30 metres from the high bank perpendicular to the river; and a 20 metre outer buffer of planted native vegetation of lesser density which has some limited potential for compatible or existing land uses, such as parkland and other recreational uses. The Community Management Statement is to make appropriate provision for maintenance of the RBZ.

Management Plans

108. Stage 1 must be undertaken in accordance with the requirements of the following approved management plans-
    - Threatened and Significant Protected Species Management Plan
    - Environmental Open Space Management Plan
    - Asset Protection Zone Management Plan
    - Agricultural Buffer Management Plan

[GEN0135]

Other approvals

109. A permit under ss 198-202 of the *Fisheries Management Act* 1994 for dredge and reclamation activities must be obtained prior to commencement of any such works.

110. No approval is granted for the removal of any Primary Koala food trees, being Forest Red Gum (*Eucalyptus tereticornis*), Tallowwood (*Eucalyptus microcorys*) and Small-fruited Grey Gum (*Eucalyptus propinqua*). The location of these trees are to be identified, marked and mapped on site prior to commencement of construction. These trees must be protected throughout the development site during construction works and operational phases of the development.

Protected Archaeological Areas (NV1 and NV4)

111. The Protected Archaeological Areas as identified on the Village plan (Diagram 2) and Staging Plan (Diagram 3) are to be preserved with no work, building or sub-surface impacts to occur on these areas during construction or operational phases of the development and/or use of the site.

112. During the construction of adjacent areas of the development site (including road and sewer works), the Protected Archaeological Areas must be fenced to a standard required, and for the duration determined by the Tweed Byron Local Aboriginal Land Council.

Prior to issue of construction certificate

113. The Construction Certificate will not be issued over any part of the site requiring a controlled Activity Approval until a copy of the approval has been provided to Council.

114. A survey and assessment for Platypus must be undertaken by a suitably qualified ecologist of the Tweed River aquatic habitat within the vicinity of the proposed bridge, carpark and footbridge prior to issue of the construction certificate. A copy of the survey and assessment must be provided to Council. Should Platypus (or other significant fauna or flora) be located, the Threatened and Significant Protected Species Management Plan must include measures to avoid or mitigate impacts arising from the development. Development is to be carried out in accordance with that plan component.

Agricultural Buffer

115. An agricultural buffer in accordance with Tweed Development Control Plan Section A5 Subdivision Manual must be provided between the Village site and adjoining lands. All buffers are to be located within either the Village site (currently Lot 121 DP134446) or Lot 4 DP 737440. An Agricultural Buffer Management Plan for the whole site must be prepared and to be submitted to Council for approval by the Council or delegate prior to the issue of a construction certificate for Stage 1 and is to include at a minimum composition, maintenance and management of the said buffer. The Agricultural Buffer Management Plan is to incorporate the principles set out in the NSW Department of Primary Industries, publication titled "Living and Working in Rural Areas - A handbook for managing land use conflict issues on the NSW North Coast" The Agricultural Buffer Management Plan is to be cognisant of bush fire management issues and is to be consistent with the specifications of the development's Asset Protection Zone Management Plan.

Asset Protection Zones

116. Asset protection zones must be provided in accordance with the Planning for Bushfire Protection Guidelines 2006 and Tweed Shire Council Development Control Plan Part A5 - Subdivision Manual. An Asset Protection Zone Management Plan for the whole site must be prepared and is to be submitted to Council for approval by the Council or delegate, prior to the issue of a construction certificate for Stage 1, and is to include details concerning the locations, dimensions, forms, maintenance and management of the Asset Protection Zones. The Asset Protection Zones are to be in accordance with Planning for Bushfire Protection Guidelines 2006. The Asset Protection Zone Management Plan is to be cognisant of threatened species management issues and be consistent with the specifications of the approved Threatened and Significant Protected Species Management Plan. All

asset protection zones are to be located within either the Village site (currently Lot 121 DP134446) or Lot 4 DP 737440.

Threatened and Significant Protected Species Management Plan

117. A Threatened and Significant Protected Species Management Plan (TSPSMP) for the whole site must be prepared and submitted to Council for approval prior to the issue of a construction certificate for Stage 1. The TSPSMP must consider both construction and operational phase avoidance and mitigation measures and must include as a minimum:

    (a) Measures to conserve Koalas (Phascolarctus cinereus) and their habitat including details of Koala usage of Lot 121 DP 134446 and Lot 4 DP 737440 and measures to be undertaken to avoid or mitigate impacts from known threats to Koalas arising from urban development being road strike, loss and degradation of habitat, dog attack and drowning. The Management Plan is to include a plan identifying the location of the primary koala food trees.

    (b) Measures to conserve Green-leaved Rose Walnut (*Endiandra muelleri subsp. bracteata*) and their habitat, including measures to be undertaken to avoid or mitigate impacts from known threats to Green-leaved Rose Walnut arising from urban development being clearing and fragmentation of habitat for development and road-works, infestation of habitat by weeds, frequent fire and trampling by visitors. The Management Plan is to include a plan identifying the location of the Green-leaved Rose Walnut.

    (c) Measures to conserve any further threatened species and their habitats that may be located during development of Lot 121 DP 134446 and Lot 4 DP 737440.

    (d) Measures to conserve Platypus (Ornithorhynchus anatinus) and their habitat including measures to be undertaken to avoid or mitigate impacts from known threats to Platypus arising from urban development including loss or damage to river banks and burrows and pollution, algal growths and siltation of waterways.

Environmental Open Space Management Plan

118. The Developer must lodge with the Council for approval prior to the issue of a construction certificate for stage 1 an Environmental Open Space Management Plan (EOSMP) for all areas of Environmental Open Space as indicated on the Village Plan. The EOSMP must not conflict with any provisions of the TSSMP, Asset Protection Zone Management Plan or Agricultural Buffer Management Plan and must separately address the treatment, function, maintenance and management of the following:

    a. the Tweed River Riparian Buffer Zone;

    b. the northern environmental open space containing the Green-leaved Rose Walnuts;

    c. Primary Koala Food Trees, and

d. Fig trees and other significant native trees within Environmental Open Space. The EOSMP must provide for improved biodiversity outcomes and contain the following as a minimum:

- aims and objectives;
- sufficient background information and site assessment to justify the proposed works,
- description of specific ecological restoration and management actions including the timeframe required to meet each particular outcome;
- details of ongoing monitoring and reporting requirements including measurable outcomes;
- contingency planning options in the case of system failure or natural events which hinder progression; and
- means of ensuring rehabilitation for a minimum five-year period and ongoing management by the Community Association in perpetuity.

119. Prior to the approval of the construction certificate the Developer must submit to the Director Planning and Regulation for approval an hydraulic flood study for the proposed bridge to determine the likely impacts to the waterway caused by the bridge abutments and any cumulative flooding impacts to the surrounding locality.

120. Prior to the approval of the construction certificate the Developer must submit to the Director Planning and Regulation a detailed geotechnical report prepared by an appropriately qualified engineer for the proposed road bridge with recommendations to ensure design and construction complies with Council's specifications, policies and Australian Standards. Development is to be carried out in accordance with the recommendations of that report.

130. A detailed landscape plan must be formulated for each Stage and must be submitted with the Development Application for each Stage and approved by Council or delegate prior to issue of consent for that stage. The plan must be prepared by a landscape architect or landscape consultant to a standard acceptable to Council or delegate. The plan must provide 100% native species and prohibit use of species that are known environmental weeds (including all vines and creepers) and must include the following documentation:

(a) A site plan (at 1:100 to 1:1000 scale) showing the existing features, including north point, access road and an outline of proposed buildings indicating doors and windows. Any trees to remain in the vicinity are to be located to scale and identified by botanical and common names.

(b) Proposed and existing site services, including water, gas, electricity, sewer, stormwater, etc.

(c) Easements on or adjacent to the site.

(d) View lines to and from the development and details of pedestrian access and circulation areas within and around the development, including retaining walls, seating, fences, gates, decorative features etc.

(e) Additional survey plan showing the location, canopy spread, trunk diameter, height and names of those existing tree/s and significant tree/s adjacent to the site likely to be affected by the development. The plan must also include the existing ground levels at the base of the trunk of the tree/s as well as at the drip lines of the tree/s.

(f) Existing and proposed ground levels (shown as spot heights and/or contours over the site and direction and degree of slope) indicating the site boundaries, and the base of the trees proposed to be planted or that are to be retained (if applicable).

(g) Sectional elevations through the site showing the existing and proposed ground lines, building elevations and proposed plantings.

h) Construction details of planter boxes (including width and depth), paving, edging, fencing, screening, panels and other hard landscape components. Deep root zones must be provided for large trees and paving is to be porous. Paving works within 2m of the trunk of the large trees must be constructed in such a way as to ensure the existing moisture infiltration and gaseous exchange to the tree root system is maintained. Where soil is compacted within two (2) metres of the trunk of large trees, site remediation by aeration (no deep ripping permitted) and mulching is to be undertaken to ensure the viability of the tree.

(i) Planting details for the preparation and planting of tube and potted plants, super-advanced plants, bare-rooted stock and any other planting.

j) A detailed plant schedule and plan at a scale of 1:100 to 1:1000 indicating the location of all proposed planting and any existing vegetation to be retained on and adjacent to the site. The plan is to include a detailed plant schedule which must include;

- species listed by botanical and common names, with the majority of plants constituting local native species;
- specific location, planting densities and quantities of each species; pot sizes; the estimated sizes of the plants at maturity, and proposed staking methods, if applicable.
- maintenance methods including the use of drip irrigation and mulching or groundcovers to reduce bare soils areas and including a maintenance schedule for a minimum period of five years after completion of landscaping on site.

Development is to be carried out in accordance with the approved landscape plan.

131. Prior to the issue of a Construction Certificate, a cash bond or bank guarantee (unlimited in time) must be lodged with Council to the value of 1% of the cost of the public infrastructure for:
    a) The making good of any damage to the property of the Council as a consequence of doing anything to which the consent relates;
    b) Completing any public work required in connection with the consent;
    c) Remedying any defects in public work that arise within 6 months after the work is completed.

    The bond may be called up at any time and the funds used to rectify any non-compliance with the conditions of this consent which are not being addressed to the satisfaction of the Council or his delegate.

    The bond will be refunded, if not expended, when the final Subdivision is issued.

    [PCC0275]

132. In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 1979, a construction certificate for SUBDIVISION WORKS OR BUILDING WORKS must NOT be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act, 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

    [PCC0285]

133. All allotment fill is to be graded at a minimum of 1% so that it drains to the street or other approved permanent drainage system and where necessary, perimeter drainage is to be provided. The construction of any retaining wall or cut/fill batter must at no time result in additional ponding occurring within neighbouring properties.

    All earthworks must be contained wholly within the subject land. Detailed engineering plans of cut/fill levels and perimeter drainage must be submitted with a S68 stormwater application for Council approval.

    [PCC0485]

134. A traffic control plan in accordance with AS1742 and RTA publication "Traffic Control at Work Sites" Version 2 must be prepared by an RTA accredited person and must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Development is to be carried out in accordance with that plan. Safe public access must be provided at all times.

    [PCC0865]

135. The Developer must submit plans and specifications with an application for construction certificate for the following civil works and any associated subsurface overland flow and piped stormwater drainage structures designed in accordance with Councils adopted Design and Construction specifications.

(A) URBAN ROAD

Construction of the roads shown on sketch 101A prepared by Cardno to an urban bitumen sealed road formation. These roads must be constructed to a public road standard and must be generally in accordance with preliminary sketches 104A, 110A, 111A, 113A, 114A, 115A, 130A, 131A, 132A, 133A, 134A, 135A, 136A, 139A, 140A and 142A except that;

- The footway/verge must be increased to a minimum width of 3.5m (graded at 2.5%) and the public road reserve shall be a minimum of 14.0m.
- Beyond the 2.5% footway the batter within the road reserve must be graded at a maximum of 25% (1 in 4) to the property boundary to ensure safe maintenance within the road reserve.
- The proposed carpark must be held in private ownership and not dedicated as public reserve. Council will not accept dedication of the proposed car park.

(B) INTERSECTIONS

Construction of an intersection at the intersection of Kyogle Road and the proposed access to the development is to be in accordance with AUSTROADS Pt 5 "Intersections at Grade" providing the required sight distance. If satisfactory sight distance cannot be achieved a portion of the subject site (as required) will be dedicated as road reserve along the frontage to Kyogle Road to obtain the required SISD. Appropriate vegetation removal may also be required for which approval must be granted.

[PCC0875]

136. Details from a Structural Engineer are to be submitted to the Principal Certifying Authority for approval for all retaining walls/footings/structures etc taking into consideration the zone of influence on the sewer main or other underground infrastructure and include a certificate of sufficiency of design prior to the determination of a construction certificate.

[PCC0935]

137. Prior to the issue of a Construction Certificate the following detail in accordance with Councils adopted Development Design and Construction Specifications must be submitted to the Principal Certifying Authority for approval.
    (a) copies of compliance certificates relied upon
    (b) four (4) copies of detailed engineering plans and specifications. The detailed plans must include but are not limited to the following:

- earthworks
- roadworks/furnishings
- stormwater drainage
- landscaping works
- sedimentation and erosion management plans
- bridge works

- location of all service conduits (water, sewer, Country Energy and Telstra)

  Note: The Environmental Planning and Assessment Act, 1979 makes no provision for works under the Water Management Act 2000 and Section 138 of the Roads Act to be certified by an Accredited Certifier.

[PCC0985]

138. The Developer must provide sufficient water quality management infrastructure to ensure compliance with Council's requirements in this regard, as set out in specification D7 of Section A5 of the TDCP.

139. No existing water bodies on the site are to be used for water quality management, and analysis must demonstrate that runoff entering such bodies after treatment already satisfies the requisite standards.

140. A water quality monitoring program is to be undertaken weekly during any earthworks and construction activity for any runoff from exposed areas of the site, and is to continue until stabilisation of any exposed areas. Parameters to be measured include pH and suspended solids (mg/L), and criteria must accord with the following table:

| Parameter | Requirement |
|---|---|
| pH | 6.5 – 8.5 |
| Suspended Solids | <50mg/L |

Any runoff to the Tweed River or to existing waterbodies or watercourses and dams that breaches the above standards must be reported to Council and the report must include adaptive management measures proposed to rectify the breach. Water quality monitoring results must be available to Council on request.

141. Erosion and Sediment Control must be provided in accordance with the following:
    (a) The Construction Certificate Application must include a detailed erosion and sediment control plan prepared in accordance with Section D7.07 of *Development Design Specification D7 - Stormwater Quality.*
    (b) Construction phase erosion and sediment control must be designed, constructed and operated in accordance with *Tweed Shire Council Development Design Specification D7 - Stormwater Quality* and its Annexure A - “Code of Practice for Soil and Water Management on Construction Works”.

[PCC1155]

142. Notwithstanding the issue of this development consent, separate consent from Council under Section 138 of the Roads Act 1993, must be obtained prior to any works taking pace on a public road. Applications for consent under Section 138 must be submitted on Council's standard application form, be accompanied by the required attachments and

prescribed fee. Receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.

143. Notwithstanding the issue of this development consent, separate consent from Council under Section 68 of the *Local Government Act* 1993, must be obtained prior to any of the following works taking place:

- connection of a private stormwater drain to a public stormwater drain

- installation of stormwater quality control devices

- erosion and sediment control works

Applications for these works must be submitted on Council's standard s68 stormwater drainage application form accompanied by the required attachments and the prescribed fee. Receipt of approval is to be obtained prior to the issue of a construction certificate for works within the development site.

Note: Where Council is requested to issue a Construction Certificate for civil works associated with this consent, the abovementioned works can be incorporated as part of the Construction Certificate application, to enable one single approval to be issued. Separate approval under section 68 of the *Local Government Act* will then NOT be required.

Prior to commencement of work

144. Prior to the commencement of any works a highly visible and durable traffic barrier must be erected parallel with the surveyed top of river bank and located at the furthest extent of the dripline of riparian vegetation for the full length of the development site. No machinery must enter beyond the traffic barrier and no stockpiling or storage of materials, plant or equipment must occur within this zone, or in any case within 10 metres of the creek top of bank. The traffic barrier is to remain at all times during earthworks and construction activities but may be removed between development stages.

145. A survey and assessment for Platypus must be undertaken by a suitably qualified ecologist of the Tweed River aquatic habitat within the vicinity of the proposed bridge, carpark and footbridge prior to commencement of works. A copy of the survey and assessment must be provided to Council. Should Platypus (or other significant fauna or flora) be located, a management plan must be formulated to the satisfaction of the Council or delegate to avoid or mitigate impacts arising from the development. Development is to be carried out in accordance with that plan.

146. The Developer must accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the Principal Certifying Authority must be advised of its location and depth prior to commencing works and ensure there must be no conflict between the proposed development and existing infrastructure prior to commencement of any works.

[PCW0005]

147. Prior to the commencement of works, the Developer must ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with either:-
    (a) Occupation Health and Safety and Rehabilitation Management Systems Guidelines, 3rd Edition, NSW Government, or
    (b) AS4804 Occupation Health and Safety Management Systems - General Guidelines on Principles Systems and Supporting Techniques.
    (c) WorkCover Regulations 2000

[PCW0025]

148. If filling of land is approved for the Stage 1 consent then all imported fill material must be from an approved source. Prior to commencement of filling operations details of the source of fill nature of material, proposed use of material and confirmation further blending, crushing or processing is not to be undertaken must be submitted to the satisfaction of the Council or delegate.

    Once the approved haul route has been identified, payment of the Heavy Haulage Contribution calculated in accordance with Section 94 Plan No 4 will be required prior to commencement of works.

[PCW0375]

149. Civil work in accordance with the development consent must not be commenced until:-
    (a) a construction certificate for the civil work has been issued in accordance with Councils adopted Development Design and Construction Specification C101 by:
        (i) the consent authority, or
        (ii) an accredited certifier, and
    (b) the person having the benefit of the development consent:
        (i) has appointed a principal certifying authority,
        (ii) has appointed a Subdivision Works Accredited Certifier (SWAC) in accordance with the Building Professionals Board Accreditation Scheme. As a minimum the SWAC must possess accreditation in the following categories:
            C4: Accredited Certifier – Stormwater management facilities construction compliance

            C6: Accredited Certifier – Subdivision road and drainage construction compliance

            The SWAC must provide documentary evidence to Council demonstrating current accreditation with the Building Professionals Board prior to approval and issue of any Construction Certificate, and

        (iii) has notified the consent authority and the council (if the council is not the consent authority) of the appointment,
        (iv) a sign detailing the project and containing the names and contact numbers of the Developer, Contractor and Subdivision Works Accredited Certifier is erected and maintained in a prominent position at the entry to the site in accordance with

Councils Development Design and Construction Specifications. The sign is to remain in place until the Subdivision Certificate is issued, and

(c) the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the civil work.

[PCW0815]

150. The Developer must provide to the PCA copies of Public Risk Liability Insurance to a minimum value of $20 Million for the period of commencement of works until the completion of the defects liability period.

[PCW0835]

151 Prior to commencement of work on the site all erosion and sedimentation control measures are to be installed and operational including the provision of a "shake down" area where required to the satisfaction of the Principal Certifying Authority.

In addition to these measures the core flute sign provided with the stormwater approval under Section 68 of the *Local Government Act* is to be clearly displayed on the most prominent position of the sediment fence or erosion control device which promotes awareness of the importance of the erosion and sediment controls provided.

This sign is to remain in position for the duration of the project.

[PCW0985]

152. The proposed earthworks must be carried out in accordance with an approved construction certificate and generally in accordance with sketch 103A, 104A, the preliminary long sections shown on sketches 110A, 111A, 113A, 114A, 115A and the preliminary cross sections shown on sketches 130A, 131A, 132A, 133A, 134A, 135A, 136A, 139A, 140A and 141A.

[DURNS01]

During Construction

153. All proposed works are to be carried out in accordance with the conditions of development consent, approved construction certificate, drawings and specifications.

154. A water quality monitoring program is to be undertaken weekly during any earthworks and construction activity for any runoff from exposed areas of the site, and is to continue until stabilisation of any exposed areas. Parameters to be measured include pH and suspended solids (mg/L), and criteria must accord with the following table:

| Parameter | Requirement |
|---|---|
| pH | 6.5 – 8.5 |
| Suspended Solids | <50mg/L |

Any runoff to the Tweed River or to existing dams, waterbodies and watercourses that breaches the above standards must be reported to Council and the report will include adaptive management measures

proposed to rectify the breach. Water quality monitoring results must be available to Council on request.

[DUR0005]

155. Construction site work including the entering and leaving of vehicles is limited to the following hours:

Monday to Saturday from 7.00am to 7.00pm

No work to be carried out on Sundays or Public Holidays

The Developer is responsible to instruct and control contractors and subcontractors regarding hours of work.

[DUR0205]

156. All reasonable steps must be taken to muffle and acoustically baffle all plant and equipment. In the event that Council notifies the builder that it has received a reasonable complaint(s) from the neighbour(s), the noise from the construction site is not to exceed the following:

A. Short Term Period - 4 weeks.

LAeq noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.

B. Long term period - the duration.

LAeq noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

[DUR0215]

157. Proposed earthworks must be carried out in accordance with AS 3798, "Guidelines on Earthworks for Commercial and Residential Developments".

The earthworks must be monitored by a registered geotechnical testing consultant to a level 1 standard in accordance with AS 3798. A certificate from a registered geotechnical engineer certifying that the filling operations comply with AS3798 must be submitted to the Principal Certifying Authority upon completion.

[DUR0795]

158. The use of vibratory compaction equipment (other than hand held devices) within 100m of any dwelling house is strictly prohibited.

[DUR0815]

159. No soil, sand, gravel, clay or other material can be disposed of off the site without the prior written approval of Tweed Shire Council .

[DUR0985]

160. Kyogle Road must be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[DUR0995]

161. Where the construction work is on or adjacent to public roads, parks or drainage reserves the developer must provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742 (Manual of Uniform Traffic Control Devices). The Builder must be adequately insured against Public Risk Liability to a value of at least $20 million.

[DUR1795]

162. Before the commencement of the relevant stages of road construction, pavement design detail including reports from a Registered NATA Consultant must be submitted to Council for approval and must demonstrate:
    (a) that the pavement has been designed in accordance with Tweed Shire Councils Development Design Specification, D2;
    (b) that the pavement materials to be used comply with the specifications tabled in Tweed Shire Councils Construction Specifications, C242-C245, C247, C248 and C255;
    (c) that site fill areas have been compacted to the specified standard; and
    (d) that supervision of Bulk Earthworks has been to Level 1 and frequency of field density testing has been completed in accordance with Table 8.1 of AS 3798-1996.

[DUR1805]

163. During the relevant stages of road construction, reports must be submitted to the PCA by a Registered NATA Geotechnical firm demonstrating; and
    (a) that the pavement layers have been compacted in accordance with Councils adopted Design and Construction Specifications.
    (b) that pavement testing has been completed in accordance with Table 8.1 of AS 3798 including the provision of a core profile for the full depth of the pavement.

[DUR1825]

164. Any damage caused to public infrastructure on or adjacent to the site (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development must be repaired in accordance with Councils adopted Design and Construction Specifications prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.

[DUR1875]

165. Tweed Shire Council must be given a minimum 24 hours notice to carry out the following compulsory inspections in accordance with Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, Appendix D, based on the rates contained in Council's current Fees and Charges:-

    <u>Roadworks</u>

    (a) Pre-construction commencement erosion and sedimentation control measures
    (b) Completion of earthworks
    (c) Excavation of subgrade
    (d) Pavement - sub-base
    (e) Pavement - pre kerb
    (f) Pavement - pre seal
    (g) Pathways, footways, bikeways - formwork/reinforcement

(h) Steel reinforcement associated with bridge work
(i) Final inspections - on maintenance
(j) Off Maintenance inspection

Council's role is limited to the above mandatory inspections and does NOT include supervision of the works, which is the responsibility of the Developers Supervising Consulting Engineer.

Note: The EP&A Act, 1979 makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[DUR1895]

166. A copy of the Development Consent and Construction Certificate approval including plans and specifications must be maintained on the site at all times during construction.

167. All stormwater gully lintels must have the following notice cast into the top of the lintel: 'DUMP NO RUBBISH, FLOWS INTO CREEK' or similar wording in accordance with Council's adopted Design and Construction Specification.

[DUR2355]

168. Regular inspections must be carried out by the Supervising Engineer on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction.

Additional inspections are also required by the Supervising Engineer after each storm event to assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is deposited on public land or in waterways.

The inspection program is to be maintained until the maintenance bond is released or until Council is satisfied that the site is fully rehabilitated.

[DUR2375]

169. During construction, a “satisfactory inspection report” is required to be issued by Council for all s68h2 permanent stormwater quality control devices, prior to backfilling. The Developer must liaise with Councils Engineering and Operations Division to arrange a suitable inspection.

170. Environmental safeguards (silt curtains, booms etc.) are to be utilised during construction / installation of the bridges or in-stream structures to ensure there is no escape of turbid plumes into the aquatic environment. Erosion and sediment controls must be in place prior to commencing, during and after works until stabilisation of exposed areas.

171. Sand, gravel, silt, topsoil or other materials must not be stockpiled within 50 metres of the Tweed River or existing dams on Lot 121 DP134446 unless surrounded by sediment control measures sufficient to prevent escape of stockpiled materials.

172. Permanent stormwater quality treatment must be provided in accordance with the following:

(a) The Construction Certificate Application must include a detailed stormwater management plan (SWMP) for the occupational or use stage of the development prepared in accordance with Section D7.07 of Councils *Development Design Specification D7 - Stormwater Quality*.

(b) Permanent stormwater quality treatment must comply with section 5.5.3 of the Tweed Urban Stormwater Quality Management Plan and Councils Development Design Specification D7 - Stormwater Quality.

[PCC1105]

(c) The stormwater and site works must incorporate water sensitive design principles and where practical, integrated water cycle management. Typical water sensitive features include infiltration, maximising permeable/landscaped areas, stormwater retention /detention/reuse, and use of grass swales in preference to hard engineered drainage systems.

Prior to issue of Subdivision Certificate

173. Council approved landscaping must be completed prior to the release of the subdivision certificate. Landscaping must be maintained at all times to the satisfaction of the General Manager or delegate. Trees identified for retention in the development application plans must not be removed without separate Council approval.

174. Environmental Open Space is to be provided and maintained in accordance with the approved Environmental Open Space Management Plan. Implementation of the EOSMP must be commenced prior to the issue of a subdivision certificate for Stage 1.

175. Council approved landscaping within public roads must be completed prior to the release of the subdivision certificate for Stage 1. Landscaping must be maintained at all times to the satisfaction of the Council or delegate.

176. Prior to issue of a subdivision certificate, all works/actions/inspections etc required by other conditions or approved management plans or the like must be completed in accordance with those conditions or plans.

[PSC0005]

177. Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Section 109J of the Environmental Planning and Assessment Act, 1979, a Subdivision Certificate must NOT be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS CONSENT MUST BE PROVIDED AT THE TIME OF PAYMENT

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

(a) Tweed Road Contribution Plan:

19.5 trips @ $2304 $44,928

S94 Plan No. 4

Sector 13_4

Heavy Haulage Component

Payment of a contribution pursuant to Section 94 of the Act and the Heavy Haulage (Extractive materials) provisions of Tweed Road Contribution Plan No. 4 - Version 5 prior to the issue of a construction certificate. The contribution must be based on the following formula:-

$Con $_{TRCP - Heavy}$ = Prod. x Dist x $Unit x (1+Admin.)

where:

$Con $_{TRCP - Heavy}$ heavy haulage contribution

and:

Prod. projected demand for extractive material to be hauled to the site over life of project in tonnes

Dist. average haulage distance of product on Shire roads (trip one way)

$Unitthe unit cost attributed to maintaining a road as set out in Section 7.2 (currently 5.4c per tonne per kilometre)

Admin. Administration component - 5% - see Section 6.6

(b) Open Space (Structured):

3 ET @ $653 $1,959

S94 Plan No. 5

(c) Open Space (Casual):

3 ET @ $570 $1,710

S94 Plan No. 5

(d) Shire wide Library Facilities:

3 ET @ $688 $2,064

S94 Plan No.11

(e) Eviron Cemetery/Crematorium Facilities:

3 ET @ $131 $393

S94 Plan No. 13

(f) Emergency Facilities (Surf Lifesaving):

3 ET @ $200 $600

S94 Plan No. 16

(g) Extensions to Council Administration Offices & Technical Support Facilities:

3 ET @ $1996.80 $5990.40

S94 Plan No. 18

(h) Cycleways:

3 ET @ $352 $1056

S94 Plan No. 22

(i) Regional Open Space (Structured):

3 ET @ $2327 $6,981

S94 Plan No. 26

(j) Regional Open Space (Casual):

3 ET @ $855 $2565

S94 Plan No. 26

[PSC0175]

178. Prior to the issue of a Subdivision Certificate a defect liability bond (in cash or unlimited time Bank Guarantee) must be lodged with Council.

The bond must be based on 5% of the value of the works (minimum as tabled in Council's fees and charges current at the time of payment) which will be held by Council for a period of 6 months from the date on which the Subdivision Certificate is issued. It is the responsibility of the Developer to apply for refund following the remedying of any defects arising within the 6 month period.

[PSC0215]

179. A bond must be lodged prior to the issue of the subdivision certificate to ensure that the landscaping is maintained by the Developer for a period of 6 months from the date of issue of a Subdivision Certificate. The amount of the bond must be 20% of the estimated cost of the landscaping or $3000 whichever is the greater.

[PSC0235]

180. Any damage to property (including pavement damage) is to be rectified to the satisfaction of the Council or his delegate PRIOR to the issue of a Subdivision Certificate. Any work carried out by Council to remove material from the roadway will be at the Developers expense and any such costs are payable prior to the issue of a Subdivision Certificate.

[PSC0725]

181. Prior to the issue of a Subdivision Certificate, Works as Executed Plans must be submitted in accordance with the provisions of Tweed Shire Council Development Control Plan A5 - Subdivisions Manual and

Councils Development Design and Construction Specification, D13 - Engineering Plans.

The plans are to be endorsed by a Registered Surveyor OR a Consulting Engineer Certifying that:

(a) all drainage lines, sewer lines, services and structures are wholly contained within the relevant easement created by the subdivision;
(b) the plans accurately reflect the Work as Executed.

Note: Where works are carried out by Council on behalf of the developer it is the responsibility of the Developer to prepare and submit works-as-executed plans.

[PSC0735]

182. A Subdivision Certificate will not be issued by the Council until such time as all relevant conditions of this Development Consent have been complied with.

[PSC0825]

183. The creation of easements for services, rights of carriageway and restrictions as to user as may be applicable under Section 88B of the Conveyancing Act including (but not limited to) the following:
    (a) Easements for drainage over ALL public services/infrastructure on private property.
    (b) A restriction as to user prohibiting the construction of slab on ground dwellings in those areas that exceed a slope of 20% or more as nominated on sketch 103A – “slope analysis” prepared by Cardno.
    (c) A restriction as to user requiring access arrangements on the allotments nominated on sketches 135A, 137A, 138A, 141A, 142A, 143A, 144A, 146A, 147A, 148A, 149,A 150A, 152A and 153A to be in accordance with the access detail shown on sketches 100A and 101A prepared by Cardno.

    Pursuant to Section 88BA of the Conveyancing Act (as amended) the Instrument creating the right of carriageway/easement to drain water must make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened and are to share costs equally or proportionally on an equitable basis.

    Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council must contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.

    Privately owned infrastructure on Community Land may be subject to the creation of statutory restrictions, easements etc in accordance with the Community Land Development Act, Strata Titles Act, Conveyancing Act, or other applicable legislation.

    [PSC0835]

184. Submit to Council's property officer an appropriate plan indicating the rural address number to both new and existing lots for approval. Prior to the issue of a Subdivision Certificate, each lot must have its' rural address number displayed in accordance with Council's "Rural Addressing Policy".

[PSC0845]

185. Council's standard "Asset Creation Form" must be completed (including all quantities and unit rates) and submitted to Council with the application for Subdivision Certificate.

[PSC0855]

186. Where new state survey marks and/or permanent marks are placed a copy of the locality sketch relating to the marks must be submitted to Council within three months of registration of the Subdivision Certificate in accordance with the Survey Practices Regulation.

[PSC0865]

187. Prior to registration of the plan of subdivision, a Subdivision Certificate must be obtained.

    The following information must accompany an application:

    (a) original plan of subdivision prepared by a registered surveyor and 7 copies of the original plan together with any applicable 88B Instrument and application fees in accordance with the current Fees and Charges applicable at the time of lodgement.
    (b) all detail as tabled within Tweed Shire Council Development Control Plan, Part A5 - Subdivision Manual, CL 7.6 and Councils Application for Subdivision Certificate including the attached notes.

    Note: The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

[PSC0885]

188. Prior to the application for a Subdivision Certificate a Compliance Certificate or Certificates must be obtained from Council OR an accredited certifier for the following:-
    (a) Compliance Certificate - Roads
    (b) Compliance Certificate - Drainage
    Note:

    1. All compliance certificate applications must be accompanied by documentary evidence from the developer's Subdivision Works Accredited Certifier (SWAC) certifying that the specific work for which a certificate is sought has been completed in accordance with the terms of the development consent, the construction certificate, Tweed Shire Council's Development Control Plan Part A5 - Subdivisions Manual and Councils Development Design and Construction Specifications.

    2. The EP&A Act, 1979 (as amended) makes no provision for works under the Water Management Act 2000 to be certified by an "accredited certifier".

[PSC0915]

189. Prior to the issue of a Subdivision Certificate, a properly dimensioned plan must be lodged with Council showing the relative position of existing fences, road formation and boundaries. Any encroaching road boundary fence is to be relocated to the correct alignment prior to issuing a Subdivision Certificate. Any road widening deemed necessary following submission of the plan must be dedicated at no cost to Council.

[PSC0945]

190. Prior to the issue of a Subdivision Certificate and also prior to the end of defects liability period, a CCTV inspection of the stormwater pipes and sewerage system including joints and junctions will be required to demonstrate that the standard of the stormwater system is acceptable to Council.

    Any defects identified by the inspection are to be repaired in accordance with Councils adopted Development Design and Construction Specification.

    All costs associated with the CCTV inspection and repairs must be borne by the Developers.

    [PSC1065]

191. Prior to the release of the subdivision certificate the Developer must produce written evidence from the local telecommunications supply authority certifying that satisfactory arrangements have been made for the provision of underground telephone supply.

192. All retaining walls in excess of 1metre in height must be certified by a Qualified Structural Engineer verifying the structural integrity of the retaining wall after construction. Certification from a suitably qualified engineer experienced in structures is to be provided to the PCA prior to the issue of a Subdivision Certificate.

    [PSC1165]

Electricity

193. Prior to the release of the subdivision certificate the Developer must provide to Council written evidence from the local electricity supply authority certifying that reticulation of underground electricity (residential and rural residential) has been completed and the reticulation includes the provision of fully installed electric street lights to the relevant Australian standard. Such lights are to be capable of being energised following a formal request by Council.

Crown Roads

194. The eastern Crown public road through Lot 121 DP134446 is to be closed and a right of way registered in accordance with the Department of Lands letter dated 31 October 2008 prior to the issue of the subdivision certificate for stage 1.

## PART C - INTEGRATED CONDITIONS FOR CONCEPT APPROVAL AND STAGE 1

### GENERAL TERMS OF APPROVAL UNDER SECTION 100B OF THE RURAL FIRES ACT 1997 FOR CONCEPT APPROVAL AND STAGE 1

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

1. Water, electricity and gas are to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.

   Access

   The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

2. Access must comply with section 4.1.3(1) of Planning for Bush Fire Protection 2006

3. The emergency access/egress shall comply with section4.1.3(3) of Planning for Bush Fire Protection 2006.

GENERAL TERMS OF APPROVAL – CONTROLLED ACTIVITY UNDER THE WATER MANAGEMENT ACT FOR CONCEPT APPROVAL AND STAGE 1 (FORMERLY A PERMIT UNDER PART 3A OF THE RIVERS AND FORESHORES IMPROVEMENT ACT 1948)

Plans, standards and guidelines

1. These General terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA06/1054 and provided by Council

   (i) Site Plan, map and/or surveys

   (ii) Structural design and specifications

   (iii) A Vegetation Management Plan

   (iv) Works Schedule

   (v) Erosion and Sediment Control Plan

   (vi) Soil and Water Management Plan

   (vii) Rehabilitation Plan

   Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the Department of Water & Entergy must be notified to determine if any variations to these GTA will be required.

2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act form the Department of Water & Energy. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

3. The consent holder must prepare or commission the preparation of:

   (i) Rehabilitation Plan

   (ii) Works Schedule

   (iii) Erosion and Sediment Control Plan

4. All plans must be prepared by a suitably qualified person and submitted to the Department of Water & Energy for the approval prior to any controlled activity commencing. The following plans must be prepared in

accordance with Department of Water & Energy guidelines located at www.naturalresources.nsw.gov.au/water/controlled_activity.shtml.

(i) Vegetation Management Plans

(ii) Laying pipes and cables in watercourses

(iii) Riparian Corridors

(iv) In-stream works

(v) Outlet structures

(vi) Watercourse crossing plans

5. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the Department of Water & Energy.

Rehabilitation and maintenance

6. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the Department of Water & Energy.

7. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the Department of Water & Energy.

Reporting requirements

8. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the Department of Water & energy as required.

Security Deposits

9. N/A

Access-ways

10. The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront plan, other than in accordance with a plan approved by the Department of Water & Energy.

11. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non –vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the Department of Water & Energy.

Bridge, causeway, culverts, and crossing

12. The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or

waterfront land, other then in accordance with a plan approved by the Department of Water & Energy.

13. the consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other then in accordance with a plan approved by the Department of Water & Energy.

Culvert

14. The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the Department of Water & Energy.

Disposal

15. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the Department of Water & Energy; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the Department of Water & Energy.

16. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the Department of Water & Energy.

Drainage and Stormwater

17. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the Department of Water & Energy. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

Erosion Control

18. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Department of Water & Energy.

19. The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the Department of Water & Energy.

Excavation

20. The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the Department of Water & Energy.

Maintaining river

21. N/A

River bed and bank protection

22. N/A

23. The consent holder must establish a riparian corridor along the Tweed River and affected tributaries in accordance with a plan approved by the Department of Water & Energy.

Plans, standards and guidelines

24. N/A

25. N/A

26. N/A

27. N/A

## PART D – DEFINITIONS

Terms used in this Consent have the following definitions:

*Aboriginal Cultural Heritage and Assessment Management Plan* – the Aboriginal Cultural Heritage and Assessment Management Plan prepared by Mary Dallas Archaeological Consultants dated March 2009 and any supplementary plans prepared for the management of any Aboriginal Cultural Heritage relating to the development as approved by Council.

*Agricultural Buffer* – Any Buffer to be provided between the Village site and/or Infrastructure Land and adjoining land zoned rural under the Tweed Local Environmental Plan

*Agricultural Buffer Management Plan* - Any management plan regarding the establishment of and ongoing management of any Agricultural Buffer required under these conditions of consent and approved by Council

*Asset Protection Zone* – Any zone to be provided in accordance with "Planning for Bushfire Protection Guidelines 2006" and these conditions of consent.

*Asset Protection Zone Management Plan* - Any management plan regarding the establishment of and ongoing management of all Asset Protection Zones required under these conditions of consent and approved by Council

*Catchment Area* – the area of land within the ownership of the Developer, maintained in a natural undeveloped state which is the source of water for the surface impoundment dam.

*Catchment Management Plan* – Any management plan regarding the establishment of and ongoing management of the Catchment Area and approved by Council

*CLD Act* - means Community Land Development Act 1989 and
*Community Plan*;
*Community Association; and*
*Community Management Statement*
have the same meaning ascribed by Section 3 of the CLD Act that has to be, or has been, created for the Village.

Community Management Statement is the management statement prepared in accordance with sections 5 and/or 9 and Schedule 3 of the *Community Land Development Act* 1989 as approved by Council.

CMS – Community Management Statement.

*Community Association Infrastructure* – water supply infrastructure, waste water collection, conveyance and treatment infrastructure, effluent disposal infrastructure, recycled water supply infrastructure, stormwater infrastructure including treatment measures, environmental open space and asset protection zones, agricultural buffer and catchment area for water supply and Riparian Buffer Zone but does not include individual tanks and internal plumbing provided to each individual tenement.

*Community Land* – all land in the Village site.

*Community Property* - land, assets and infrastructure to be owned by the Community Association.

*Concept Proposal*- The concept is a plan for the construction of an entire new community or village that is to be generally developed in stages. The concept plan includes the provision of water and sewer services, electricity and communication services, roads, community facilities, areas of low and medium density housing, 1000m2 of retail floor space, conference centre, health centre, open space and rehabilitation areas. The overall concept proposal is stated to have an indicative yield of 430 dwellings with an expected population of approximately 1000 persons. Water is to be supplied via tanks, dams, groundwater and recycled water. Effluent is to be treated via a sewerage treatment plant with a reuse scheme for non potable purposes and irrigation.

*Council* – Tweed Shire Council

*Developer* – Zimmer Land Pty Limited or any party acting upon this consent

*Design Guidelines* - Any Design Guidelines approved by Council in relation to the Village.

*Environmental Open Space* – is the corresponding area marked on the Village Plan diagram 2 which is to have a land use to preserve the significant environmental features of those areas on the site including native vegetation, natural watercourses and aboriginal archaeological areas.

*Environmental Open Space Management Plan* - Any management plan regarding the establishment of and ongoing management of the Environmental Open Space in the Village and approved by Council

*Effluent Irrigation Scheme Buffer* – any buffer separating Effluent irrigation areas and irrigation infrastructure from neighbours, residential areas and sensitive environments.

*Infrastructure* – Community Association Infrastructure except where otherwise specifically defined.

*Infrastructure Land* – any land or part thereof upon which Infrastructure is, or is to be, located. Including but not limited to current lots 121 in DP 134446, 3 in DP 771335 and 4 in DP737440, which is proposed lot 12 as part of the Stage 1 subdivision and any parcel of land upon which an Asset Protection Zone or Agricultural Buffer is required by these conditions of consent.

*L/p/d* - Litres per person per day

*Mixed Village* – is the corresponding area marked on the Village Plan diagram 2 which is to have a land use to provide the central focus of the development in the form of a Village Centre containing a Main Street and Town Square that provides for a variety of commercial, retail and residential uses including some tourism and community uses.

*Open Space Areas* – is the corresponding area marked on the Village Plan diagram 2 which is to have a land use to provide for the sports and market area and village green for active recreation and community activities and market garden.

*Parking Areas* – is the corresponding areas marked on the Village Plan diagram 2 which is to have land use to provided parking for people attending the Mixed Village.

*Public Roads* – are the lines illustrated in bold black on the Village Plan diagram 2 which form part of Stage 1.

*Potable water* – water that is intended to be or likely to be used for human consumption.

*Precinct* – an area marked on the Village Plan diagram 2 named to correspond with the intended land use(s) for that area.

*Primary Koala food Trees*- Forest Red Gum (*Eucalyptus tereticornis*), Tallowwood (*Eucalyptus microcorys*) and Small-fruited Grey Gum (*Eucalyptus propinqua*).

*RFS* – Rural Fire Service

*Riparian Buffer Zone* – a buffer generally a minimum of 50 metres from each high bank of the Tweed River

*Stage 1* – is the first stage in the development of the Village for a six lot subdivision, construction of a public car park, road bridge and public road works to be carried out in accordance with Part B of this consent.

*Stormwater Management Plan* – Any management plan regarding the establishment of and ongoing management of Stormwater in the Village and approved by Council

*STP* - Sewerage Treatment Plant

*Surface Impoundment Dam* – is the 60ML Water Supply Dam marked on plan Figure 4 Proposed Water Supply Infrastructure for the collection of water from the Catchment Area for the purpose of augmenting the supply of potable water to the Village.

*TDCP* – Tweed Development Control Plan

*The Tweed River Corridor* – is the corresponding area marked on the Village Plan diagram 2 which is to have a land use to preserve the land along the Tweed river and includes a riparian buffer zone of 50m also marked on the Village Plan.

*Threatened and Significant Protected Species Management Plan* - Any management plan regarding the protection of any Threatened and Significant Protected Species approved by Council.

*Tourism and Special Uses* – is the corresponding area marked on the Village Plan diagram 2 which is to have land uses aimed at providing local employment and economic development to help establish the town as a visitor destination. These land uses are to be compatible with the tourism uses in the Mixed Village and limited to tourism and special uses of a rural or local nature with no accommodation.

*TSC* - Tweed Shire Council

*TSC Sewerage* - is any sewerage infrastructure under the ownership, control and operation of Tweed Shire Council.

*TSC Water Supply* – is any water supply infrastructure under the ownership, control and operation of Tweed Shire Council

*TSPSMP* – Threatened and Significant, Protected Species Management Plan approved by Council

*Village* – the development of a village within the land zoned 2(d) within part lots 121 in DP 134446 and 3 in DP 771335 and including the market garden area.

*Village Site* – the area of land within part lots 121 in DP 134446 and 3 in DP 771335 marked by the site Boundary on Diagram 1 Concept Plan.

*Village Housing* – is the corresponding area marked on the Village Plan Diagram 2 which is to have a land use for a variety of housing types including townhouses, villa homes and some residential flat buildings being up to 3 storeys in height.

*Village Lots* – is the corresponding area marked on the Village Plan Diagram 2 which is to have a land use for single detached dwelling houses on lots generally 600 $m^2$ but no smaller than 450 $m^2$.

*Water Supply Management Plan* - Any management plan regarding the establishment of and ongoing management of the water supply to the Village and approved by Council.

***FOR VOTE - Cr P Youngblutt, Cr D Holdom, Cr K Skinner, Cr W Polglase***
***AGAINST VOTE - Cr B Longland, Cr K Milne***
***ABSENT. DID NOT VOTE - Cr J van Lieshout***

**P 77**

**Cr B Longland**
**Cr D Holdom**

**RECOMMENDED** that Council officers bring forward a report outlining options for incorporating traffic control measures in the village of Uki to mitigate impacts resulting from the additional traffic generated by the Nightcap Development.

***FOR VOTE - Unanimous***
***ABSENT. DID NOT VOTE - Cr J van Lieshout***

Please Quote Council Ref: PF2970/2290

Your Ref No:

For Enquiries Please Contact: Mark Longbottom

Telephone: (02) **6670 2440**

24 January 2008

Catriona Sutcliffe
Cardno
PO Box 388
TOOWONG QLD 4066

**Contaminated Lands Search Information Request**
**Lot 3 DP 771335, Kyogle Rd, Kunghur.**

In reply to your enquiry to Council regarding the above referred property, Council would like to advise that a search of its records disclosed the following:

1. The radial search revealed there to be no known Dip Site within 200 metres of the subject property.

2. Data records reveal no known potentially contaminating activities on the subject site.

3. The topographical maps referenced below indicate no known potentially contaminating activities on the subject site.

It should be noted that for the final determination to be made regarding contamination of a lot, an assessment would be necessary in accordance with the NSW EPA document *'Guidelines for Consultants Reporting on Contaminated Sites 1997'.*

You may contact the NSW Department of Agriculture for any additional information in respect to the proximity of any known dip site to the subject property and any implications that any such known dip site may have in respect to the occupation of the subject property. NSW Agriculture maintains a web site for access to fundamental dip site information at www.agric.nsw.gov.au/tools/dipsite-locator.

Yours faithfully

**Ross Cameron**
Manager Building & Environmental Health Services

References:

| | |
|---|---|
| Dataworks | LN 20439 |
| File | PF2970/2290 |
| Topographical Maps | Brays Creek 9541-111-S 1:25000 1975 |
| | Brays Creek 9541-111-S 1:25000 1986 |
| | Tyalgum 9541-111 1:50 000 1969 |

Please Quote Council Ref: DA2970/2265

Your Ref No:

For Enquiries Please Contact: Mark Longbottom

Telephone: (02) **6670 2440**

24 January 2008

Catriona Sutcliffe
Cardno
PO Box 388
TOOWONG QLD 4066

**Contaminated Lands Search Information Request**
**Lot 121 DP 134446, Kyogle Rd, Kunghur.**

In reply to your enquiry to Council regarding the above referred property, Council would like to advise that a search of its records disclosed the following:

1. The radial search revealed there to be no known Dip Site within 200 metres of the subject property.

2. Data records reveal no known potentially contaminating activities on the subject site.

3. The topographical maps referenced below indicate no known potentially contaminating activities on the subject site.

It should be noted that for the final determination to be made regarding contamination of a lot, an assessment would be necessary in accordance with the NSW EPA document *'Guidelines for Consultants Reporting on Contaminated Sites 1997'.*

You may contact the NSW Department of Agriculture for any additional information in respect to the proximity of any known dip site to the subject property and any implications that any such known dip site may have in respect to the occupation of the subject property. NSW Agriculture maintains a web site for access to fundamental dip site information at www.agric.nsw.gov.au/tools/dipsite-locator.

Yours faithfully

**Ross Cameron**
Manager Building & Environmental Health Services

References:

| | |
|---|---|
| Dataworks | LN 39731 |
| File | DA2970/2265 ` |
| Topographical Maps | Brays Creek 9541-111-S 1:25000 1975 |
| | Brays Creek 9541-111-S 1:25000 1986 |
| | Tyalgum 9541-111 1:50 000 1969 |

**Council Reference:** **OSSM01748 - DA05/1031**
**Your Reference:**

6 April 2010

Zimmer Land Pty Ltd
PO Box 263
TWEED HEADS NSW 2485

Dear Sir/Madam

**Approval Notice - Approval to Operate On-Site Sewage Management System OSSM01748 – at Lot 3 DP 771335 and Lot 2 DP 771335 No. 2954 Kyogle Road Kunghur**

20438
[SEPOpAppr]

Further to Council inspection carried out 1 April 2010 please find enclosed your approval to operate. You are advised that to comply with the conditions of this approval and to minimise the impact on the environment and public health it will be necessary to undertake the following actions.

**The following wastewater treatment system was inspected**

- Care takers residence & mess hall: BF6 Biolytix & 720 sqm subsurface irrigation
- Amenities block & cabins: 3000L poly septic tank & 4 evapotranspiration/absorption (ET/A) beds each 20m long x 2.5m wide & 2 x Compost Toilets (Clivus Multum)

**The following points were noted at the inspection**

- The inspection has revealed that your effluent land application (disposal) areas for the Sub Surface Irrigation is showing signs of failing. The presence of ponding of effluent on ground surface indicates a malfunctioning system and requires immediate attention. At time of inspection, the care taker advised a plumber was in the process of rectifying the issues.

**Action Required**

1. The septic tanks shall be desludged prior to **6 April 2014**. Please contact a NSW approved Liquid Waste Disposal Contractor to arrange desludging. If the tank is not desludged, wastewater solids may cause clogging of the perforated pipes and soil profile within the effluent disposal area, eventually resulting in failure.

2. Ensure inlet /outlet T–Piece baffles are attached and in proper working order after desludging. Should they be dislodged from the wall of the tank or damaged they should be replaced as soon as possible to reduce possible blockage in the disposal area.

3. All effluent disposal area should be monitored regularly. If the area shows signs of water-logging, bogginess, offensive odour or effluent is seen flowing across the ground, you should seek advice from Council or other suitably qualified persons.

4. Please ensure that all wastewater including greywater is treated in the septic tank and all effluent must discharge to the approved disposal area.

5. Construct a surface rain-water diversion drain upslope of the effluent disposal area to divert any surface flow and subsurface flow away from the disposal area.

6. Vehicle traffic and livestock shall be excluded from the effluent disposal area and this may require adequate fencing of the area.

7. To increase the active life of your effluent disposal area, an effluent filter is recommended to be installed to the outlet of the septic tank. The filter will significantly reduce the build-up of insoluble solids that block up the slotted pipes that run the length of the absorption trenches.

**Failure to comply with these conditions may result in:**

- Issuing Orders under Section 124 of the Local Government Act 1993; or
- Prosecution under Section 627 of the Local Government Act for failing to comply with conditions for Approval with a maximum penalty of $2200; or
- Issuing of a Penalty Notice (on the spot fine) of $330.

***Please note;***

- **You are advised that the issuing of an Approval to Operate Sewage Management System (OSSM) does not authorise or give approval for any illegal building works or activities that may have been carried out at the property without consent of the Tweed Shire Council.**

Yours faithfully

**D Milligan**
Environmental Compliance Officer

Customer Service | 1300 292 872 | (02) 6670 2400
PO Box 816 Murwillumbah NSW 2484
Fax (02) 6670 2429 | ABN 90 178 732 496
tsc@tweed.nsw.gov.au | www.tweed.nsw.gov.au

TWEED SHIRE COUNCIL

# Certificate of Approval to Operate a System of Sewage Management

***Local Government Act 1993***

To: Zimmer Land Pty Ltd
PO Box 263
TWEED HEADS NSW 2485

Being the applicant in respect of Sewage Management Application No: **OSSM01748** for:

- **Care takers residence & mess hall:** BF6 Biolytix & 720 sqm subsurface irrigation
- **Amenities block & cabins:** 3000L poly septic tank & 4 evapotranspiration/absorption (ET/A) beds each 20m long x 2.5m wide & 2 x Compost Toilets (Clivus Multum)

Pursuant to Chapter 7 of the Local Government Act 1993, notice is hereby given of the determination by the Council, as Approval Authority, of the Sewage Management System relating to the land described as follows:

**at Lot 3 DP 771335 and Lot 2 DP 771335 No. 2954 Kyogle Road Kunghur**

The Application to Operate a System of Sewage Management has been determined by:-

**GRANTING OF APPROVAL subject to the conditions specified in this notice.**

| | |
|---|---|
| This approval operates from: | 6 April 2010 |
| **This approval expires on:** | **6 April 2014** |
| Risk assessment: | **Medium** |

**********

**IMPORTANT NOTICE**

THIS IS A LEGAL DOCUMENT. ENSURE THAT YOU READ THE DOCUMENT CAREFULLY, AND PARTICULARLY NOTE ALL ATTENDANT INSTRUCTIONS AND CONDITIONS.

## CONDITIONS

1. The owner/occupier shall maintain the system in accordance with the approved plans, specifications and conditions of approval.

[OSO0225]

2. The sewage management system shall be maintained in accordance with the attached management procedures.

***Reason**: Maintenance is necessary to ensure efficient operation of the sewage management System.*

[NOTE: It is the owner's responsibility to ensure the sewage management system is operated and maintained at all times. The management procedures are relevant to the sewage management system on site and are required to be carried out to prevent detrimental environmental and public health risks.]

If foul odours or ponding of effluent on ground surface occurs this indicates a malfunctioning system and requires immediate attention. Contact your local plumber and or Tweed Shire council for advice.

[OSO0226]

3. This approval shall expire on the expiration date specified above, unless the approval is renewed or extended by Council.

***Reason:** Permitted by Sections 103, 107, 108 & 109 of the Local Government Act, 1993 and consistent with the implementation of The Tweed Shire Council On-site Sewage Management Strategy.*

[NOTE: The Council may extend the period of an approval following an inspection or at any other time. The operator may apply for renewal at any time.

[OSO0227]

4. The person operating the system of sewage management shall provide details of operation and maintenance, and evidence of compliance with the conditions of this approval, to the Council whenever reasonably required to do so.

***Reason:** Mandatory condition cl 45(5) of the Local Government (General) Regulation 2005.*

[OSO0228]

5. The Council may carry out an audit inspection of the sewage management system to determine compliance with conditions of approval and may charge the approved fee specified for the service in the Council's On-site Sewage Management Strategy. An approved fee may also be charged for follow up compliance inspections of rectification work.

***Reason:** Audit inspections are provided for in Tweed Shire Council's On-Site Sewage and Wastewater Management Strategy. Fees are charged under ss.191, 197, 501 & 608(6) of the Local Government Act 1993.*

[OSO0229]

6. Effluent arising from an on-site sewage management system shall not be permitted to discharge into any natural waterway or storm water drain.

[OSO0235]

7. The on-site sewage management system shall be operated and maintained in a sanitary condition and in accordance with the relevant requirements of the Local Government (General) Regulation 2005, and other relevant operating specifications.

***Reason:*** *Mandatory condition cl 44(3)(a) & 45(2) of the Local Government (General) Regulation 2005*

[OSO0245]

8. Except in circumstances beyond the control of the operator, the system of sewage management shall be operated in a manner that achieves the following performance standards:

(a) the prevention of the spread of disease by micro-organisms,

(b) the prevention of the spread of foul odours,

(c) the prevention of contamination of water,

(d) the prevention of degradation of soil and vegetation,

(e) the discouragement of insects and vermin,

(f) ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,

(g) the minimisation of any adverse impacts on the amenity of the premises and surrounding lands,

(h) if appropriate, provision for the re-use of resources (including nutrients, organic matter and water).

***Reason:*** *Mandatory condition cl 44 (1) of the Local Government (General) Regulation 2005*

[NOTE: Disease may be spread if there is any human contact with sewage wastewater. Water pollution may occur as a result of surface run off from failing land application areas, from percolation of effluent into ground water and by drainage to waterways. Components should be well maintained and monitored to eliminate disease risks and water pollution.]

[OSO0255]

9. Maintenance and operating conditions of the system of sewage management specified in any certificate of accreditation issued by the Director-General of NSW Health, in relation to the septic tank shall be complied with, including;

- All wastewater including greywater is to be treated in the septic tank,
- The septic tank to be desludged by an approved operator every 3 to 5 years,
- The tank is to be kept waterproof,
- The inlet and outlet square junctions and the baffle (if any) are to be maintained,
- The required inspection openings and cleaning access hole and associated cover (or intersection of half lids if no access hole) are to be kept sealed,
- Induct vents must be kept screened and maintained to prevent the ingress of water, insects or vermin,

- The effluent from the septic tank must be disposed of by subsoil (deeper tham 300mm) disposal method,

- The effluent filter must be cleaned regularly.

[OSO0285]

10. Maintenance and operating conditions of the system of sewage management specified in any certificate of accreditation issued by the Director-General of NSW Health, in relation to the Biological Filter System shall be complied with, including:

    - The owner of the Biological Filter System must enter into an annual contract with the manufacturer or another suitably qualified person (designer, distributer or installer), if the system is connected to a central base by telephone line the system is to be **serviced every twelve months in accordance with the details set out in the service manual**, if the system is not connected to a central base by telephone line the system is to be **serviced every four months in accordance with the details set out in the service manual**;

    - A copy of the service report shall be provided by the contractor to Tweed Shire Council and to the owner, after each service;

    - The effluent shall at all times comply with the following standard:

        1. Biological Oxygen Demand ($BOD^5$) - less than 20 mg/L,

        2. Suspended Solids - less than 30 mg/L,

        3. Thermotolerant Coliforms - less than 30 cfu/100ml;

    - A Telephone number for emergency service shall be fixed and located in or near the alarm control panel so as to be easily visible.

[OSO0295]

11. Maintenance and operating conditions of the system of sewage management specified in any certificate of accreditation issued by the Director-General of NSW Health, in relation to the Waterless Compost Toilet shall be complied with, including:

    - The manufacturer's operators' manual with details of maintenance procedures necessary to ensure the efficient and safe operation of the unit shall be kept in the premises, and the unit shall be operated in accordance with the manufacturer's instructions.

    - A permanent notice with basic instruction shall be fixed to the unit and the date of commissioning and each time humus material is removed shall be recorded on the notice.

    - A minimum composting period shall be 12 months and humus material is to be disposed of by burial, with a minimum 75 mm cover, in soil not intended to be used for the cultivation of food for human consumption or for a further 3 months in a lidded compost bin.

    - The room/closet containing the compost toilet shall be maintained fly proof with openings screened, including self closing doors.

    - The fan fitted to the air vent (if required) shall operate continuously.

- No offensive odour shall be detected at any time at the vent at ground level, the toilet pedestal, the compost end product (which shall be friable and have a humus consistency) following removal AND microbiologically (a) thermo-tolerant coliforms shall be less than 200 cfu/gm and Salmonella shall be NIL/gm.

- The leachate (excess urine/ moisture) from the composting toilet shall be disposed of by sub-soil (greater than 300mm deep) disposal. Adequate amounts of bulking agent shall be added to the compost toilet (if required) after each use.

[OSO0335]

12. The wastewater shall be treated to a secondary standard and disinfected before it is discharged to any surface effluent irrigation area.

[OSI0475]

13. The ETA bed and fittings shall be maintained in a serviceable condition at all times

[OSO0605]

14. The irrigation system and fittings shall be maintained in a serviceable condition at all times.

[OSO0615]

15. The effluent land application area shall not be used for the production of low growing crops that are eaten without cooking for human consumption.

[OSO0625]

16. Additional effluent land application areas shall be used only with the written prior approval of Council.

[OSO0635]

17. All effluent land application areas are to be kept clear of weeds and the plants trimmed so as to prevent the area from becoming overgrown.

[OSO0665]

18. Vehicle traffic and livestock shall be excluded from the effluent land application area and this may involve fencing of the area.

[OSO0675]

19. The effluent land application area shall not be used for active recreational purposes.

[OSO0685]

20. Any alteration to existing sewage management facilities shall be approved by Council.

***Reason:*** *Required by Section 68 and Section 77 of The Local Government Act 1993.*

[OSO0686]

**NOTE 1:** If an owner or occupier of land is the holder of an approval to operate a system of sewage management on the land (being an approval that is in force), any other owner of occupier of that land may operate the system of sewage management (without obtaining a further approval) in accordance with the conditions of the approval.

***Reason:*** *Cl 46 of the Local Government (General) Regulation, 2005.*

**NOTE 2:** A person who purchases (or otherwise acquires) land on which any sewage management facilities are installed or constructed may operate a system of sewage management without the approval required under Section 68 of the Local Government Act for the period of 3 months after the date on which the land is transferred or otherwise conveyed to the person (whether or not an approval to operate a system of sewage management on that land is in force at that date). If an application for approval to operate a system of sewage management is submitted within 2 months of the transfer of the land to the new owner, any existing sewage management facilities may continue to be operated until the application is determined by Council.

**NOTE 3**: This approval relates to the operation of a system of sewage management on land and the granting of this approval in no way authorises any ancillary activity on the land that may require approval under the Local Government Act 1993 and /or other legislation.

***Reason:*** *Cl 47 of the Local Government (General) Regulation, 2005.*

## REVIEW OF DETERMINATION

Under the provisions of Section 100 of the Local Government Act, 1993, an applicant may request the Council to review the determination of an application for approval. The request for a review must be made within twenty-eight (28) days after the date of the determination.

## DISSATISFACTION WITH DETERMINATION-RIGHT OF APPEAL

Under the provisions of section 176 of the Local Government Act, 1993, an applicant who is dissatisfied with the determination of Council with respect to the application for an approval may appeal to the Land and Environment Court. The appeal must be made within 12 months after the date from which the approval operates.

## FOR FURTHER INFORMATION

If you require further information in relation to this approval please contact Council's Building and Environmental Health Unit on the above number between the hours of 8.30am and 10.00am, Monday to Friday.

**Council Reference:** **OSSM01941 DA05/1031 SEP06/0103 LN: 39731**
**Your Reference:**

3 May 2013

Zimmer Land Pty Ltd
PO Box 263
TWEED HEADS NSW 2485

Dear Mr Greg Smith

**Approval Notice - Approval to Operate On-Site Sewage Management System OSSM01941 at Lot 121 DP 134446; No. 2984 Kyogle Road KUNGHUR**

Further to Council inspection carried out 24 April 2013 please find enclosed your approval to operate. You are advised that to comply with the conditions of this approval and to minimise the impact on the environment and public health it will be necessary to undertake the actions described below.

You are further advised that the issuing of an Approval to Operate Sewage Management System (OSSM) does not authorise or give approval for any illegal building works or activities that may have been carried out at the property without consent of the Tweed Shire Council.

**Description of the On-Site Sewage Management System (wastewater treatment and disposal):**

**Amenities Block: One 300L concrete septic tank with Four x 20m x 2.5m Evapotranspiration/absorption beds (ETA) for effluent disposal.**

**Kitchen/meals area and toilets: One Biolytix AWTS with 720m2 pressurised subsurface drip irrigation for effluent disposal.**

**The following points were noted at the inspection**

The amenities block effluent drainage pipe is exposed near the distribution box over a drainage swale.

There are no warning signs in the AWTS effluent subsurface drip irrigation area.

**Works Required**

The exposed effluent drainage pipe must be covered or protected from potential damage.

The effluent subsurface drip irrigation area must have two warning signs in view.

**Failure to comply with these conditions may result in:**

1. Issuing Orders under Section 124 of the Local Government Act 1993; or

2. Prosecution under Section 627 of the Local Government Act for failing to comply with conditions for Approval with a maximum penalty of $2200; or

3. Issuing of a Penalty Notice (on the spot fine) of $330.

Yours faithfully

**Ian Grimshaw**
**ENVIRONMENTAL COMPLIANCE OFFICER**

Customer Service | 1300 292 872 | (02) 6670 2400
PO Box 816 Murwillumbah NSW 2484
Fax (02) 6670 2429 | ABN 90 178 732 496
tsc@tweed.nsw.gov.au | www.tweed.nsw.gov.au

TWEED SHIRE COUNCIL

# Certificate of Approval to Operate a System of Sewage Management

***Local Government Act 1993***

To: Zimmer Land Pty Ltd
PO Box 263
TWEED HEADS NSW 2485

Being the applicant in respect of Sewage Management Application No: **OSSM01941** for:

- **Amenities Block: One 300L concrete septic tank with Four x 20m x 2.5m Evapotranspiration/absorption beds (ETA) for effluent disposal.**
- **Kitchen/meals area and toilets: One Biolytix AWTS with 720m2 pressurised subsurface drip irrigation for effluent disposal.**

Pursuant to Chapter 7 of the Local Government Act 1993, notice is hereby given of the determination by the Council, as Approval Authority, of the Sewage Management System Application relating to the land described as follows:

**Lot 121 DP 134446; No. 2984 Kyogle Road KUNGHUR**

The Application to Operate a System of Sewage Management has been determined by:

**GRANTING OF APPROVAL subject to the completion of all works required listed in this notice and subject to compliance with all conditions specified in this notice.**

| | |
|---|---|
| This approval operates from: | 3 May 2013 |
| **This approval expires on:** | **3 May 2019** |
| Risk assessment: | **Low** |

**IMPORTANT NOTICE**

**THIS IS A LEGAL DOCUMENT. ENSURE THAT YOU READ THE DOCUMENT CAREFULLY, AND PARTICULARLY NOTE ALL ATTENDANT INSTRUCTIONS AND CONDITIONS.**

## CONDITIONS

1. The wastewater shall be treated to a secondary standard and disinfected before it is discharged to any subsurface effluent irrigation area.

[OSI0475]

2. The owner/occupier shall maintain the system in accordance with the approved plans, specifications and conditions of approval.

[OSO0225]

3. The sewage management system shall be maintained in accordance with the attached management procedures.

   **NOTE:** It is the owner's responsibility to ensure the sewage management system is operated and maintained at all times. The management procedures are relevant to the sewage management system on site and are required to be carried out to prevent detrimental environmental and public health risks.

   If foul odours or ponding of effluent on ground surface occurs this indicates a malfunctioning system and requires immediate attention. Contact your local plumber and or Tweed Shire council for advice.

[OSO0226]

4. This approval shall expire on the expiration date specified above, unless the approval is renewed or extended by Council.

   NOTE: The Council may extend the period of an approval following an inspection or at any other time. The operator may apply for renewal at any time.

[OSO0227]

5. The person operating the system of sewage management shall provide details of operation and maintenance, and evidence of compliance with the conditions of this approval, to the Council whenever reasonably required to do so.

[OSO0228]

6. The Council may carry out an audit inspection of the sewage management system to determine compliance with conditions of approval and may charge the approved fee specified for the service in the Council's fees and charges. An approved fee may also be charged for follow up compliance inspections of rectification work.

[OSO0229]

7. Effluent arising from an on-site sewage management system shall not be permitted to discharge into any natural waterway or storm water drain.

[OSO0235]

8. The on-site sewage management system shall be operated and maintained in a sanitary condition and in accordance with the relevant requirements of the Local Government (General) Regulation 2005, and other relevant operating specifications.

[OSO0245]

9. Except in circumstances beyond the control of the operator, the system of sewage management shall be operated in a manner that achieves the following performance standards:

   (a) Prevention of the spread of disease by micro-organisms,

(b) Prevention of the spread of foul odours,

(c) Prevention of contamination of water,

(d) Prevention of degradation of soil and vegetation,

(e) Discouragement of insects and vermin,

(f) Ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,

(g) Minimisation of any adverse impacts on the amenity of the premises and surrounding lands,

(h) If appropriate, provision for the re-use of resources (including nutrients, organic matter and water).

**NOTE:** Disease may be spread if there is any human contact with sewage wastewater. Water pollution may occur as a result of surface run off from failing land application areas, from percolation of effluent into ground water and by drainage to waterways. Components should be well maintained and monitored to eliminate disease risks and water pollution.

[OSO0255]

10. Maintenance and operating conditions of the system of sewage management specified in any certificate of accreditation issued by the Director-General of NSW Health, in relation to the Aerated Wastewater Treatment System (AWTS) shall be complied with, including:

(a) The owner of the AWTS shall enter into an annual contract with the manufacturer or another suitably qualified or experienced person requiring the system to be **serviced every quarter** in accordance with the Department's requirements,

(b) The effluent shall at all times comply with the following standard;

(i) Biological Oxygen Demand ($BOD^5$) - less than 20 mg/L,

(ii) Suspended Solids - less than 30 mg/L,

(iii) Free Residual Chlorine - 0.5mg/L (min) to 2.0 mg/L (max)

(iv) Thermotolerant Coliforms - less than 30 cfu/100ml

(c) A Telephone number for emergency service shall be fixed and located in or near the alarm control panel so as to be easily visible.

[OSO0265]

11. Maintenance and operating conditions of the system of sewage management specified in any certificate of accreditation issued by the Director-General of NSW Health, in relation to the septic tank shall be complied with, including;

a) Wastewater including greywater is to be treated in the septic tank;

b) Septic tank to be desludged by an approved operator every 3 to 5 years;

c) Tank is to be kept waterproof;

d) Inlet and outlet square junctions and the baffle (if any) are to be maintained;

e) Required inspection openings and cleaning access hole and associated cover (or intersection of half lids if no access hole) are to be kept sealed;

f) Induct vents must be kept screened and maintained to prevent the ingress of water, insects or vermin;

g) Effluent from the septic tank must be disposed of by subsoil (deeper than 300mm) disposal method; and,

12. Maintenance and operating conditions of the system of sewage management specified in any certificate of accreditation issued by the Director-General of NSW Health, in relation to the Waterless Compost Toilet shall be complied with, including:

- The manufacturer's operators' manual with details of maintenance procedures necessary to ensure the efficient and safe operation of the unit shall be kept in the premises, and the unit shall be operated in accordance with the manufacturer's instructions.
- A permanent notice with basic instruction shall be fixed to the unit and the date of commissioning and each time humus material is removed shall be recorded on the notice.
- A minimum composting period shall be 12 months and humus material is to be disposed of by burial, with a minimum 75 mm cover, in soil not intended to be used for the cultivation of food for human consumption or for a further 3 months in a lidded compost bin.
- The room/closet containing the compost toilet shall be maintained fly proof with openings screened, including self closing doors.
- The fan fitted to the air vent (if required) shall operate continuously.
- No offensive odour shall be detected at any time at the vent at ground level, the toilet pedestal, the compost end product (which shall be friable and have a humus consistency) following removal AND microbiologically (a) thermo-tolerant coliforms shall be less than 200 cfu/gm and Salmonella shall be NIL/gm.
- The leachate (excess urine/ moisture) from the composting toilet shall be disposed of by sub-soil (greater than 300mm deep) disposal. Adequate amounts of bulking agent shall be added to the compost toilet (if required) after each use.

[OSO0335]

13. The effluent land application shall be maintained in a serviceable condition at all times.

[OSO0605]

14. The effluent land application area shall not be used for the production of low growing crops that are eaten without cooking for human consumption.

[OSO0625]

15. Additional effluent land application areas shall be used only with the written prior approval of Council.

[OSO0635]

16. Soaker hoses and standard household sprinklers and attachments shall not be used for the irrigation of effluent from any on-site sewage management system.

[OSO0645]

17. The irrigation system shall be operated in such a way as to prevent any run-off of effluent from the land application area.

[OSO0655]

18. All effluent land application areas are to be kept clear of weeds and the plants trimmed so as to prevent the area from becoming overgrown.

[OSO0665]

19. Vehicle traffic and livestock shall be excluded from the effluent land application area and this may involve fencing of the area.

[OSO0675]

20. The effluent land application area shall not be used for active recreational purposes.

[OSO0685]

21. Any alteration to existing sewage management facilities shall be approved by Council.

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## FOR FURTHER INFORMATION

If you require further information in relation to this approval please contact Council's Building and Environmental Health Unit on the above number between the hours of 8.30am and 10.00am, Monday to Friday.

**Signed on behalf of the Tweed Shire Council**

Ian Grimshaw, Environmental Compliance Officer

**Road Reserve Dedication**

- The roads need to be moved somewhat to take into account findings by the applicant's archaeologist for Aboriginal heritage matters. This will mean that the access road at the eastern end of the car park will likely need to be moved.
- They have now agreed to construct the roads before the issue of subdivision certificate.
- Obviously the road plan and any revisions will need to be compared to the drawing which depicts the location of the water courses and any cut and fill analysis which has been required by Ray.

**Contamination Doreen Harwood**

- In Doreen's view the contamination assessment was inadequate as it comprised simply a desktop audit and was not a preliminary site investigation as required by the guidelines, for example, no interviews etc. were undertaken (not certain that they agreed they would do it as part of the supplementary material they are going to submit by 16 January or whether this is to be conditioned).
- The applicant's concern was that if they had to do an assessment of the entire site now it may well be cost prohibitive.
- What they have agreed to do is wherever there are works proposed to be constructed for this application a revised contamination study will be undertaken.
- They will also accept a condition that at each stage (noting the staging will need to be revised significantly to account for the sewerage infrastructure issue) they will do an additional report.
- It was acknowledged by the experts there that it may indeed be the case that all of the assessment for contamination purposes is done in one go because it might simply be economic to do it in that fashion.

**Ecology / riparian zones Sandy Pimm**

- Sandy was content that the applicant was now going to nominate on the drawing 50 metres either side of the bank of the river.
- Concern was raised in relation to the use of existing dams for stormwater control and enrichments for nutrients.
- The applicant indicated that it would accept a condition that the existing dams are not to be used for water treatment purposes.
- The applicant indicated it would accept a condition requiring a covenant to be registered banning the keeping of cats and dogs. There should also be not only a requirement for a covenant but there should be a condition drafted and imposed on this head consent and any other consent in respect of no cats and dogs being allowed.
- There was concern expressed in respect of the access to the Mebhin National Park on the existing paper road not so much for pedestrians and cyclists but for vehicular access.
- The plan is to be amended to delete the words and arrows to Mebhin Park.

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| MURWILLUMBAH | 182 Tweed Valley WAY | Puma Murwillumbah (formerly Matilda ) | 1 current |
| TERRANORA | Federation DRIVE | Dip 4766 Lamberts | 3 former |
| TWEED HEADS | 60 Pacific HIGHWAY | Former Mobil Quix Service Station | 5 former |

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21 February 2019

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